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8 *Attorney for Plaintiff,*  
9 Michael Grecco Productions, Inc.

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 MICHAEL GRECCO PRODUCTIONS,  
13 INC., a California corporation,

14 Plaintiff,

15 v.

16 DIFFERENT BY CHOICE  
17 CORPORATION d/b/a INCLUB  
18 MAGAZINE, a Pennsylvania  
19 Corporation; and DOES 1-10, inclusive,

20 Defendants.

Case No. 2:25-cv-3491

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT (17 U.S.C. § 501)**

**DEMAND FOR JURY TRIAL**

1 Michael Grecco Productions, Inc. (“Grecco”), by and through its attorneys of  
2 record, complains against Different By Choice Corporation d/b/a InClub Magazine  
3 (“InClub”) and DOES 1-10, inclusive (collectively, “Defendants”), as follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action against Defendant InClub Magazine for its acts of  
6 copyright infringement in violation of the United States Copyright Act, 17 U.S.C. §§  
7 101 et seq.

8 2. This Court has subject matter jurisdiction over this copyright  
9 infringement action under 28 U.S.C. §§ 1331, 17 U.S.C. § 501(a), and 28 U.S.C. §  
10 1338(a).

11 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (c)  
12 in that the claim arises in this Judicial District, the Defendant transacts business in  
13 this Judicial District, and the injury suffered by Grecco took place in this Judicial  
14 District. Defendant is subject to the general and specific personal jurisdiction of this  
15 Court because of their contacts with the State of California.

16 **PARTIES**

17 4. Plaintiff Grecco is a photography studio and business owned and  
18 operated by photographer Michael Grecco and registered with the State of  
19 California on or around January 1, 1998. Grecco is the successor by corporate name  
20 change from Michael Grecco Photography, Inc. to Michael Grecco Productions, Inc.  
21 on January 26, 2012. Grecco is a California corporation with its principal place of  
22 business at 3103 17th Street, Santa Monica, California 90405.

23 5. Grecco is informed and believes and, upon such, alleges that Defendant  
24 Different By Choice Corporation d/b/a InClub Magazine is formed and existing  
25 under the laws of Pennsylvania with its principal place of business located in  
26 Philadelphia, Pennsylvania, who provides goods and services globally, including in  
27 and to this District.

28 6. DOES 1 through 10, inclusive, are unknown to Grecco, who therefore



1 singer Janet Jackson (the “Jackson Photographs”). A true and correct copy of the  
2 Jackson Photographs are attached hereto as Exhibit A.

3 10. Grecco timely obtained the copyright registration for the Jackson  
4 Photographs with the United States Copyright Office. The Jackson Photographs  
5 were registered with the copyright office on July 7, 2010. *See* VA 1-736-729. A  
6 true and correct copy of the Copyright Registration Certificate is attached hereto as  
7 Exhibit B.

8 11. In the marketplace, celebrity photos, such as the Jackson Photographs  
9 carries tremendous monetary value. Grecco licenses these images to various third  
10 parties to create highly sought-after feature spreads, among other things, on  
11 television, print, and online. The Jackson Photographs themselves has been licensed  
12 to media outlets for many thousands of dollars.

13 *The Defendant and the Marketplace*

14 12. InClub is a famous and successful national print and digital media  
15 publication, focused on pop culture and lifestyle.

16 13. On information and belief, Defendant profits through its infringement  
17 of the Jackson Photographs by attracting future customers to use, subscribe to, and  
18 patronize their publications.

19 14. Defendant understands the immense value of intellectual property  
20 protections. As a highly sophisticated and longstanding publication and media  
21 company, Defendant is keenly aware of the worth of intellectual property as a  
22 valuable commodity.

23 15. Still, despite its awareness of the importance of intellectual property  
24 rights, its potential to incur liability for the infringement of the same, and  
25 Defendant’s sophisticated operators, Defendant infringed Grecco’s copyrights to the  
26 Jackson Photographs.

27 16. On February 1, 2022, Defendant ran an online article entitled “*Maybe*  
28 *we should all apologize to Janet Jackson,*” which prominently featured the *Jackson*

1 *Photographs*. A true and correct copy of the Jackson Photographs infringement is  
2 attached hereto as Exhibit C which demonstrates that the Jackson Photographs was  
3 reproduced, distributed and publicly displayed by InClub on its website. Grecco  
4 discovered this infringement on May 14, 2024.

5 17. On or about May 23, 2024, Grecco wrote to InClub, notifying it of its  
6 infringement and demanding that the Jackson Photographs be removed from the  
7 InClub Website.

8 18. On or about June 3, 2024, Grecco wrote to InClub again, reiterating the  
9 demand to remove the Jackson Photographs from the InClub Website.

10 19. On or about June 7, 2024, Grecco wrote to InClub a third time,  
11 reiterating the demand to remove the Jackson Photographs from the InClub Website.

12 20. On or about June 11, 2024, Grecco wrote to InClub yet again,  
13 reiterating the demand to remove the Jackson Photographs from the InClub website.

14 21. InClub removed the Jackson Photographs on or about June 17, 2024,  
15 four demands over the course of several weeks.

16 22. On or about June 17 and 20, 2024, Grecco wrote to InClub yet again in  
17 an effort to settle the dispute without the need for litigation.

18 23. As of the time of this filing, Defendant has failed to respond to Grecco,  
19 despite their obvious receipt of Grecco's correspondence.

20 24. Grecco is informed and believes that Defendant has violated federal  
21 law by infringing Grecco's copyright to at least the Jackson Photographs (identified  
22 in Exhibit A). Specifically, Defendant reproduced, distributed and publicly  
23 displayed the Jackson Photographs, and/or derivatives thereof without permission,  
24 consent, or license.

25 25. Grecco has never sold or licensed the Jackson Photographs to  
26 Defendant.

27 26. Grecco is informed and believes that Defendant has driven significant  
28 traffic to its own platforms in part due to the presence of the sought after and

1 searched for Jackson Photographs that frames this dispute. As mentioned above, all  
2 this traffic translates into substantial ill-gotten commercial advantage and revenue  
3 generation for Defendant as a consequence of its infringing actions.

4 **FIRST CLAIM FOR RELIEF**

5 **(Copyright Infringement, 17 U.S.C. § 501, Against InClub)**

6 27. Plaintiff Grecco incorporates herein by reference the allegations in  
7 paragraphs 1 through 22 above.

8 28. Grecco is the rightsholder to the copyrights of the Jackson Photographs,  
9 which substantially consists of wholly original material that constitutes  
10 copyrightable subject matter under the laws of the United States. Grecco has  
11 complied in all respects with the Copyright Act and all of the laws of the United  
12 States governing copyrights. The Jackson Photographs have been timely registered  
13 with the United States Copyright Office. *See* VA 1-736-729

14 29. Defendant has directly, vicariously, and/or contributorily infringed, and  
15 unless enjoined, will continue to infringe Grecco's copyright by reproducing,  
16 displaying, distributing, and utilizing the Jackson Photographs for purposes of trade  
17 without authorization of or payment to Grecco in violation of 17 U.S.C. § 501 et  
18 seq.

19 30. Grecco is informed and believes that Defendant's acts of infringement  
20 are willful because, *inter alia*, Defendant is a sophisticated publishing and media  
21 entity comprised of individuals with full knowledge of the strictures of federal  
22 copyright law and the basic requirements for licensing the use of copyrighted  
23 content for commercial exploitation.

24 31. Grecco is informed and believes that Defendant, despite such  
25 knowledge, willfully reproduced and distributed the Jackson Photographs, without  
26 any right to do so.

27 32. Defendant has received substantial benefits in connection with the  
28 unauthorized reproduction, distribution, and utilization of the Jackson Photographs

1 for purposes of trade, including by increasing the traffic to their websites and use of  
2 their services.

3 33. Defendant's unauthorized actions were performed without Grecco's  
4 permission, license, or consent.

5 34. Defendant's wrongful acts have caused, and are causing, great injury to  
6 Grecco, of which damages cannot be accurately computed, and unless this Court  
7 restrains Defendant from further commission of said acts, Grecco will suffer  
8 irreparable injury, for all of which it is without an adequate remedy at law.  
9 Accordingly, Grecco seeks a declaration that Defendant is infringing Grecco's  
10 copyrights and an order under 17 U.S.C. § 502 enjoining Defendant from any  
11 further infringement of Grecco's copyrights.

12 35. As a result of Defendant's wrongful acts alleged herein, Grecco has  
13 suffered and is suffering substantial damage to its business in the form of diversion  
14 of trade, loss of profits, injury to goodwill and reputation, and the dilution of the  
15 value of its rights, all of which are not yet fully ascertainable.

16 36. Because of the willful nature of Defendant's copyright infringement,  
17 Grecco is entitled to an award of statutory damages of up to \$150,000 per  
18 copyrighted work.

19 37. Grecco has identified at least one copyrighted work infringed by  
20 Defendant, which occurred by way of reproduction, public distribution, and public  
21 display of the Jackson Photographs on its website. As such, Grecco is entitled to an  
22 award of \$150,000 per work infringed in statutory damages.

23 38. Alternatively, at its discretion, Grecco is entitled to actual damages in  
24 an amount to be proven at trial for the infringement of the Jackson Photographs.

25 39. Grecco is also entitled to its attorney's fees and costs in prosecuting  
26 this action.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Grecco requests judgment against Defendant as follows:

A. Defendant, its officers, agents, servants, employees, representatives, and attorneys, and all persons in active concert or participation with them, be permanently enjoined from designing, copying, reproducing, displaying, promoting, advertising, distributing, or selling, or any other form of dealing or transaction in, any and all advertising and promotional materials, print media, signs, Internet websites, or any other media, either now known or hereafter devised, bearing any design or mark which infringe, contributorily infringe, or vicariously infringe upon Grecco's rights in the Photos at issue.

B. Defendant be held liable to Grecco in statutory damages for copyright infringement in accordance with 17 U.S.C. §§ 504 (a)(2) and (c) and for costs, interest, and reasonable attorney's fees pursuant to 17 U.S.C. § 505.

C. An accounting be made for all profits, income, receipts, or other benefit derived by Defendant from the reproduction, copying, display, promotion, distribution, or sale of products and services, or other media, either now known or hereafter devised that improperly or unlawfully infringes upon Grecco's copyrights pursuant to 17 U.S.C. § 504 (a)(1) and (b).

D. Requiring Defendant to account for and pay over to Grecco all profits derived by Defendant from its acts of copyright infringement and to reimburse Grecco for all damages suffered by Grecco by reasons of Defendant's acts, pursuant to 17 U.S.C. §§ 504 (a)(1) and (b).

E. Actual damages for copyright infringement pursuant to 17 U.S.C. §§ 504 (a)(1) and (b).

F. That Grecco be awarded any such other and further relief as the Court may deem just and appropriate.



1 Dated: April 21, 2025

**ONE LLP**

2  
3 By: /s/ Peter R. Afrasiabi

4 Peter R. Afrasiabi

5 *Attorney for Plaintiff,*

6 Michael Grecco Productions, Inc.  
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**DEMAND FOR JURY TRIAL**

Plaintiff Michael Grecco Productions, Inc. hereby demands trial by jury of all issues so triable under the law.

Dated: April 21, 2025

**ONE LLP**

By: /s/ Peter R. Afrasiabi

Peter R. Afrasiabi

*Attorney for Plaintiff,*

Michael Grecco Productions, Inc.